

The Georgia State Board of Physical Therapy met on **January 18, 2005** at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia for the purpose of conducting business.

Members Present:

- Sandra Eskew Capps, P.T., President (Arrived at 9:20 A.M.)
- Charlene D. Portee, P.T., Vice President
- Bernice B. Chaney, P.T.A.
- Anthony F. Ellis, P.T.
- Brad Freemyer, P.T. (Left at 3:15)
- Lola Rosenbaum, P.T.
- Patricia H. Willis, P.T. (Left at 3:20)

Others Present:

- Anita O. Martin, Executive Director
- Lea F. Williams, Applications Specialist/Board Secretary
- Patricia Downing, Assistant Attorney General (Arrived at 10:10 A.M., left at 3:25)
- Geoff Aulds, PTAG Liaison

Vice-President Portee established that a quorum was present, and called the Public Hearing to order at 9:17 A.M. No comments were received regarding the proposed rule amendments. The Public Hearing was adjourned at 9:25 A.M. and the Board meeting was called to order in **OPEN SESSION**.

490-2-.02, Licensure: Examination. Amended.: Ms. Rosenbaum made a motion to **adopt** the amendments as proposed. Ms. Chaney seconded the motion and it was approved by the Board. (Attachment #1)

490-2-.03, Board Action Upon Application for Registration. Amended—To be Titled: Licensure: Foreign-Educated Applicants.: Ms. Portee motioned, Mr. Freemyer seconded, and the Board voted to **adopt** the amendments as proposed. (Attachment #2)

490-4-.03, Disciplinary Sanctions. Amended.: Ms. Portee motioned, Ms. Willis seconded, and the Board voted to **re-post** the rule as amended. (Attachment #3)

490-9-.02, Principles of Conduct for Licensed Physical Therapists. Mr. Ellis motioned, Ms. Chaney seconded, and the Board voted to **adopt** the proposed amendments. (Attachment #4)

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Physical Therapy.

November 16, 2004 Meeting Minutes: Ms. Rosenbaum motioned, Mr. Freemyer seconded, and the Board voted to **approve** the minutes as amended.

Roster of New Licensees: Ms. Willis made a motion to **approve** the roster of the 29 newly licensed PT's, and the 14 newly licensed PTA's, issued November 8, 2004 through January 5, 2005. The motion was seconded by Mr. Ellis and approved by the Board.

<i>License #</i>	<i>Name</i>	<i>License Type</i>	<i>Issue Date</i>
PT008216	Phan, Nghia Trong	Physical Therapist	11/8/2004 0:00
PT008217	Jensen, Reece	Physical Therapist	11/8/2004 0:00
PT008218	Braun, Shannon Lynnette	Physical Therapist	11/9/2004 0:00
PT008219	Rosensweig, Lori A.	Physical Therapist	11/9/2004 0:00
PT008220	Goodgame, Kevin Fitzgerald	Physical Therapist	11/10/2004 0:00
PT008221	Beadles, Adam L.	Physical Therapist	11/10/2004 0:00
PT008222	Kolkman, Dawn Carol	Physical Therapist	11/15/2004 0:00
PT008223	Scott, Denise Demetria	Physical Therapist	11/15/2004 0:00
PT008224	Traill, Laurie Ann	Physical Therapist	11/17/2004 0:00
PT008225	Poux, Lisa Rae	Physical Therapist	11/17/2004 0:00
PT008226	Edl, Lisa Marie	Physical Therapist	11/18/2004 0:00
PT008227	Young - Woods, Cressinda V.	Physical Therapist	11/19/2004 0:00
PT008228	Woods, Enis Quardell	Physical Therapist	11/19/2004 0:00
PT008229	Faulkner, Jaqueline Eleanor	Physical Therapist	11/22/2004 0:00
PT008230	Peterson, Patricia Ellen	Physical Therapist	11/22/2004 0:00
PT008231	Gardner, Judith Anne Leffler	Physical Therapist	11/29/2004 0:00
PT008232	Lumpkin, Jeanie Ann	Physical Therapist	11/29/2004 0:00
PT008233	Weyant, Michelle Marie	Physical Therapist	12/1/2004 0:00
PT008234	Riley, Kathy A.	Physical Therapist	12/3/2004 0:00
PT008235	Williams, Mia RaShaan	Physical Therapist	12/13/2004 0:00
PT008236	Ball, Cher Monique	Physical Therapist	12/13/2004 0:00
PT008237	White, Kenneth Shane	Physical Therapist	12/17/2004 0:00
PT008238	Nellis, Julie Elizabeth	Physical Therapist	12/22/2004 0:00
PT008239	Neal, Kerry Anne	Physical Therapist	12/27/2004 0:00
PT008240	Whyte, Nicole A	Physical Therapist	12/27/2004 0:00
PT008241	Boggs, Tavona Denise	Physical Therapist	12/29/2004 0:00
PT008242	Kasten, Marjorie Grace	Physical Therapist	12/30/2004 0:00
PT008243	Gillespie, Darrell LaDale	Physical Therapist	1/4/2005 0:00
PT008244	Shurley, Justin Lane	Physical Therapist	1/5/2005 0:00

<i>License #</i>	<i>Name</i>	<i>License Type</i>	<i>Issue Date</i>
PTA002107	Entwistle, Timothy Charles	Physical Therapist Assistant	11/8/2004 0:00
PTA002108	Foster, William Deon	Physical Therapist Assistant	11/8/2004 0:00
PTA002109	Givens, Carrie Ellen	Physical Therapist Assistant	11/17/2004 0:00
PTA002110	Bellomy, Jessica Diane	Physical Therapist Assistant	11/22/2004 0:00
PTA002111	Robbins, Christina Noell	Physical Therapist Assistant	11/22/2004 0:00
PTA002112	Harmer, Jessica Ann	Physical Therapist Assistant	12/1/2004 0:00
PTA002113	Macauley, Florence Candida	Physical Therapist Assistant	12/2/2004 0:00
PTA002114	Dowdy, Jennifer Ann	Physical Therapist Assistant	12/2/2004 0:00
PTA002115	Tufts, Joseph Scott	Physical Therapist Assistant	12/16/2004 0:00
PTA002116	Roy, Carl Henry	Physical Therapist Assistant	12/27/2004 0:00
PTA002117	Patel, Sheetal	Physical Therapist Assistant	12/28/2004 0:00
PTA002118	Bozeman, Heather Elizabeth	Physical Therapist Assistant	12/29/2004 0:00
PTA002119	Robertson, Anna Mae	Physical Therapist Assistant	12/29/2004 0:00
PTA002120	Iloegbunam, Okey	Physical Therapist Assistant	1/5/2005 0:00

E-mail submitted by Eleanor Brower, PTA: Ms. Willis motioned, Ms. Portee seconded, and the Board voted to **send** Ms. Brower the “no legal advice letter”, and suggest she review Rules 490-5-.01 and 490-5-.02.

E-mail submitted by Georgana Cannon, RN: Mr. Freemyer motioned, Ms. Rosenbaum seconded, and the Board voted to **send** Ms. Cannon the “no legal advice letter”, and state that nothing in the practice act prohibits the practice listed in her e-mail, and to suggest she follow-up with the Georgia Composite State Board of Medical Examiners for information regarding MD’s scope of practice.

E-mail submitted by Andrew Block: Ms. Chaney motioned, Mr. Ellis seconded, and the Board voted to **send** Mr. Block the “no legal advice letter” and advise that nothing in the practice act prohibits the practice described by Mr. Block.

Letter submitted by John K. Boatwright of St. Paul Travelers: Ms. Rosenbaum motioned, Ms. Portee seconded, and the Board voted to **advise** Mr. Boatwright that nothing in the practice act prohibits the practice described, and to **refer** him to Rule 490-8-.03(b), and well as the Georgia Composite State Board of Medical Examiners.

E-mail submitted by Stephanie Moss re: Babies Can't Wait Program: Ms. Willis motioned, Ms. Chaney seconded, and the Board voted to **respond** back to Ms. Moss with the specific presentation information, date, time and location of the program.

E-mail from Board Attorney, Patricia Downing re: Release of Advice rendered from the Attorney General's Office. Ms. Rosenbaum motioned, Mr. Ellis seconded, and the Board voted to **release** the advice regarding physician owned practices to David Stanley, P.T.

Ms. Portee motioned, Ms. Chaney seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §43-1-2(k) and §43-1-19(h)(2) to deliberate on applications, disciplinary matters, and to receive information on enforcement, cognizant, Executive Director and Attorney General reports. Voting in favor of the motion were those present who included Board members Eskew Capps, Rosenbaum, Freemyer, Ellis and Willis. The Board concluded **Executive Session** in order to vote on these matters and to continue with the public session.

Request submitted by Foreign-Educated Applicant, A.L.B.: Ms. Willis motion, Mr. Freemyer seconded, and the Board voted to deny the request to accept a credential evaluation from IERF.

PTA Endorsement Application submitted by J.I.T.: Mr. Ellis motioned, Ms. Rosenbaum seconded, and the Board voted to **deny** the application. Applicant does not meet the educational requirements.

PT Exam Application submitted by J.A.B.: Mr. Freemyer motioned, Ms. Portee seconded, and the Board voted to **approve** the application.

PT Exam Application submitted by M.J.C.: Ms. Chaney motioned, Ms. Rosenbaum seconded, and the Board voted to **approve** the application.

PT Endorsement Application submitted by C.S.M.: This application was **tabled**: Applicant is appealing to the FCCPT concerning the results of her credential evaluation.

Plan of Further Study: PT Applicant M.L.B.: Ms. Willis motioned, Ms. Portee seconded, and the Board voted to **deny** the plan of further study submitted.

OMPE Results submitted by PTA Exam Applicant R.J.H.: Mr. Freemyer motioned, Ms. Chaney seconded, and the Board voted to **advise** R.J.H. that the application will be considered upon receipt of proof of completion of the recommended intensive out-patient program and a release from a Medical Doctor.

Appeal Appointment, C.M.G.: Ms. Portee motioned, Mr. Freemyer seconded, and the Board voted to **deny** the application. Board members Chaney, Rosenbaum and Willis opposed the vote. The Board further voted to re-open the investigative case, and investigate J.R. for aiding & abetting unlicensed practice. Ms. Willis recused herself from this portion of the vote.

Tabled PT Exam Application submitted by J.S.: Ms. Rosenbaum motioned, Mr. Ellis seconded and the Board voted to **approve** the application.

Executive Director's Report: Anita O. Martin

- Provided information on the license renewal process.
- Provided update on rule revision process.
- Provided all Board members with the Financial Disclosure Statement paperwork, and provided a public notary for those who wished to complete the forms on-site.
- Reported on status of case #15-01-01-0005: *The Board voted to submit case to Stuart Platt for Peer Review.*
- Discussed CE Audit procedures; will discuss more in the March meeting.
- Advised licensure applications will be on the March agenda for review.

Cognizant Report: Anthony Ellis

- **Case # PT05-0040:** Ms. Willis motioned, Ms. Portee seconded, and the Board voted to **schedule** an Investigative Interview with the respondent.
- **Case #PT05-0041:** Per the cognizant's recommendation based on the Investigative Interview held at 2:00, the Board voted to **close** the case with a private Letter of Concern, recommending that an attendant be in the room or treatment area when treatment rendered is near the breast, genital or buttocks area.

Enforcement Report: Kathy Harvey

- **Case # 04-032:** Ms. Harvey provided a copy of the requested records for the cognizant's review.

OTHER BUSINESS:

- **Rule 490-4.01, Renewal of Licenses and Penalties. Amended.:** Ms. Portee motioned, Ms. Chaney seconded, and the Board voted to **post** the rule as amended. Board members Freemyer and Willis abstained from the vote. (Attachment # 5)

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Physical Therapy.

- The Board voted to add the Further Study Committee's re-examination procedure into Board Policy.
- The Board requested that the FSBPT e-mail query regarding multiple exam attempts be mailed to Ms. Rosenbaum.
- The Board requested that proposed legislature be drafted regarding §§ 43-33-12 & 13, and that a request be made for staff from the Secretary of State's office carry this legislation on behalf of the Board. The Board scheduled a conference call for February 15 at 10:30 a.m.

There being no further business to come before the Board, the meeting was adjourned at 3:45 P.M. on January 18, 2005.

Minutes prepared by: Lea Williams, Board Secretary

Reviewed/Edited by: Anita O. Martin, Executive Director

Sandra Eskew Capps, P.T.
Board President

Mollie L. Fleeman
Division Director

490-2-.02 Licensure: Examination. Amended. Effective February 08, 2005

(1) All physical therapists and physical therapist assistants are required to submit a completed application, the appropriate fee, and pass an examination for licensure to practice the profession in Georgia except as provided for in O.C.G.A. Sec. 43-33-15. The Board may at its discretion grant a license to an applicant who has previously taken and completed, within the requirements as set by the Board, the examination required.

(a) All applicants who are graduates of Commission on Accreditation in Physical Therapy Education (CAPTE) accredited schools and are applying for licensure must submit:

1. passing scores from the national licensing examination; and
2. passing scores from examination on the laws governing the practice of physical therapy in Georgia and the rules of the Georgia State Board of Physical Therapy; and
3. official transcript from the institution granting the entry level degree in physical therapy or physical therapist assistant indicating the date of graduation.

(b) Verification of licensure in all states in which the licensure candidate holds a license or has ever held a license may be conducted by board staff.

Authority O.C.G.A. §§ 43-1-3, 43-1-19, 43-1-24, 43-1-25, 43-33-10, 43-33-12, 43-33-13, 43-33-14, and 43-33-18.

**490-2-.03 Licensure: Foreign-Educated Applicants. Amended.
Effective February 08, 2005.**

- (1) All applicants who are graduates of educational programs conducted in a foreign country that are not accredited by CAPTE and approved by the Board must submit credentials prescribed by the Board in order to be considered for approval to take the licensing examination.
- (a) Transcripts must be evaluated by a credential evaluation agency approved by the Board, to determine if the professional instruction is substantially equivalent to that of entry-level United States-educated therapists. The credentialing evaluation agency shall send its evaluation and a copy of the official transcript directly to the Board. A list of credentialing agencies approved by the Board shall be included in each application packet. Additional lists may be obtained from the Board office.
- (b) Proof of licensure/certification/registration, that is current and in good standing, to practice physical therapy, or proof of appropriate eligibility to practice physical therapy, in the country of education must be submitted.
- (c) Verification of licensure/certification/registration in all jurisdictions in which the candidate holds or has ever held a license/certification/registration must be submitted.
- (d) Applicants educated in a non-English speaking physical therapy program must take and receive passing scores on three (3) language proficiency examinations to include the Test of Spoken English (TSE): passing score of 50; Test of English as a Foreign Language (TOEFL): passing score of 560 pencil & paper/220 computerized; and Test of Written English (TWE): passing score of 4.5, before being allowed to sit for the licensure examination. Official score results must be submitted to the Board.
- (e) Applicants educated in an English speaking physical therapy program must have a school official submit an official letter to the Board attesting that the physical therapy curriculum was taught in English.
- (f) All foreign-educated applicants must complete a Board-approved traineeship consisting of a minimum of 480 hours, which must be completed within three (3) months of the issuance of the traineeship permit.
- (2) Applicants educated in a foreign physical therapy program that is accredited by CAPTE and approved by the Board, do not have to submit a credentials evaluation and must meet the conditions of Board Rule 490-2-.02.

Authority O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-33-10, 43-33-12, 43-33-13, 43-33-14, 43-33-15, and 43-33-18.

**NOTICE OF INTENT TO AMEND A RULE OF THE
GEORGIA STATE BOARD OF PHYSICAL THERAPY CHAPTER
490-4, RULE 490-4-.03,. DISCIPLINARY SANCTIONS. AMENDED., AND
NOTICE OF PUBLIC HEARING.**

TO ALL INTERESTED PERSONS AND PARTIES

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Physical Therapy (hereinafter "Board") proposes to amend Rule 490-4-.03 Disciplinary Sanctions. Amended.

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia State Board of Physical Therapy Web page at <http://www.sos.state.ga.us/plb/pt>. Copies may also be requested by contacting the Georgia State Board of Physical Therapy office at 478-207-1686.

A public hearing is scheduled to be held at 9:00 a.m. on March 15, 2005 in the Office of the Secretary of State, Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendments. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing.

Written comments are welcomed. To ensure their consideration, written comments must be received on or before March 8, 2005. Written comments should be addressed to Mollie L. Fleeman, Division Director, Professional Licensing Boards Division, Georgia State Board of Physical Therapy, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478-207-1699.

The proposed rule amendments will be considered for adoption by the Georgia State Board of Physical Therapy at its meeting scheduled to begin at 9:05 a.m. on March 15, 2005 in the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The proposed rule amendments are proposed for adoption pursuant to authority contained in The Georgia State Board Of Physical Therapy Act O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-33-3, 43-33-10, and 43-33-18.

At its meetings on January 18, 2005 the Georgia State Board of Physical Therapy voted that the formulation and adoption of these rules do not impose regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-33-3, 43-33-10, and 43-33-18.

Additionally, at these meetings the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-33-3, 43-33-10, and 43-33-18 to adopt or implement differing actions for businesses as listed at O.C.G.A. §50-13-4(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of Physical Therapy.

For further information, contact the Board office at 478-207-1686.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This ____ day of _____, 2005

Mollie L. Fleeman
Division Director

Posted: _____

**SYNOPSIS OF PROPOSED REVISIONS TO THE
GEORGIA STATE BOARD OF PHYSICAL THERAPY RULE FOR
490-4-.03, DISCIPLINARY SANCTIONS. AMENDED.**

Purpose: The purpose of the proposed rule amendment is to provide clarification of acts that constitute unprofessional and unethical conduct.

Main Feature: The main feature of the proposed rule amendment is to provide clarification of acts that constitute unprofessional and unethical conduct.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED AMENDMENT TO THE GEORGIA STATE BOARD OF PHYSICAL THERAPY
RULE 490-4-.03, DISCIPLINARY SANCTIONS. AMENDED.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

490-4-.03 Disciplinary Sanctions. Amended.

(1) The Board in accordance with the licensing Act (O.C.G.A. Section 43-33-18 which enumerates grounds for sanctions), shall have authority to refuse to grant a license to any applicant, and refuse to renew a license, and may restrict, suspend or revoke the registration of any licensed person. The Board hereby adopts and incorporates by reference herein the provisions of O.C.G.A. Sec. 43-1-19.

(2) For purposes of Official Code of Georgia Annotated, Section 43-33-18(a)(1):

(a) "Consultation" shall mean provision of professional advice;

(b) "Appropriate Licensed Practitioner of the Healing Arts" shall include properly licensed practitioners in this or another state, whose consultation falls within the practitioner's legally authorized scope of practice;

(c) For purposes of determining whether a licensed practitioner is appropriate, the physical therapist shall consider, but not be limited to, the following factors:

1. Physical condition of the patient;

2. Nature of ailment;

3. Extent to which the consulting practitioner has knowledge of the patient's history and condition such that an informed judgment can be made concerning course of treatment.

(d) Physical therapists shall document the consultation with the appropriate licensed practitioner of the healing arts prior to implementing a program of physical therapy treatment.

(3) When providing physical therapy treatment following appropriate consultation, ~~unprofessional and unethical conduct as defined~~ shall include but is not limited to the following:

(a) Failing to adhere to the Code of Ethics for Physical Therapists and Physical Therapists Assistants, as codified in Rules 490-9-.01 through 490-9-.03.

(b) Delegating to an aide or unlicensed person any physical therapy task other than those codified in Chapter 490-8.

(c) Failing to provide continuous, immediate and physically present supervision of the aide or unlicensed person when designated tasks are performed.

(d) Failing to provide an evaluation on each patient and establishing a physical therapy diagnosis.

(e) Failing to formulate and record in the patient's record a treatment program based upon the evaluation and any other information available.

(f) Failing to perform periodic evaluation of the patient and documenting the evaluations in the patient's record and to make adjustments to the patient's treatment program as progress warrants.

(g) Directly or indirectly requesting, receiving or participating in the division, transferring, assigning, rebating or refunding of fees or remuneration earned, in cash or kind, for bringing or referring a patient. For purposes of this Rule:

1. No physical therapist, physical therapy assistant, employee or agent thereof acting on his behalf, shall enter into or engage in any agreement or arrangement with any individual, entity, or an employee or agent thereof acting on his behalf, for the payment or acceptance or compensation in any form for the referral or recommending of the professional services of either. This prohibition includes any form of fee division or charging of fees solely for referral of a patient.

2. This prohibition shall include a rebate or percentage of rental agreement or any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services.

3. Provided further, that this Rule shall not preclude a discount, waiver of co-payment or other reduction in price of services by a ~~registered~~ physical therapist if the reduction in price is properly disclosed to the consumer and third party payers and appropriately reflected in the costs claimed or charges made.

Authority O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-33-3, 43-33-10, and 43-33-18.

**490-9-.02 Principles of Conduct for Licensed Physical Therapists.
Effective February 08, 2005.**

Any individual who is licensed as a physical therapist shall abide by the following ethical standard:

(1) Act with consideration, within the scope of physical therapy, for the rights and dignity of all individuals.

(a) The physical therapist shall hold as confidential information obtained while acting in a professional capacity.

(b) The physical therapist shall provide optimal physical therapy care for all patients regardless of patient race, gender, age, religion, disability or sexual preference.

(c) The physical therapist should balance considerations of the patient's physical, psychological and socioeconomic welfare in professional decisions and actions and document these considerations in the patient's record of care.

(d) The physical therapist shall communicate and interact with patients and all persons encountered in a professional capacity with courteous regard and timeliness.

(e) The physical therapist shall not engage in any behavior that constitutes harassment or abuse of a patient, professional colleague or associate.

(2) Comply with the laws and regulations governing the practice of physical therapy in the State of Georgia.

(a) Physical therapists are to practice (consultation, evaluations, treatment, research, education, administration and preventive care) in accordance with the state practice act.

(3) Accept responsibility for the exercise of sound judgment.

(a) When implementing treatment, physical therapists shall assume the responsibility for evaluating that individual; planning, implementing, and supervising the therapeutic program; reevaluating and changing the program; and maintaining adequate records of the case, including progress reports.

(b) When performing wellness and preventative services, physical therapists shall assume responsibility for providing optimal patient care.

(c) When the individual's needs are beyond the scope of the physical therapist's expertise, the physical therapist shall so inform and assist the individual in identifying a qualified person to provide the necessary services.

(d) When the physical therapists judge that benefit can no longer be obtained from their services, they shall so inform the individual receiving the services. It is unethical to initiate or continue services that, in the therapist's judgment, either cannot result in beneficial outcome or are contraindicated.

(e) The physical therapist's ability to make independent judgment must not be limited or compromised by professional affiliations, including employment relationships.

(f) Physical therapists are not to delegate to a less qualified person any activity which requires the unique skills, knowledge, and judgment of a physical therapist.

(g) The primary responsibility for physical therapy care assisted by supportive personnel rests with the supervising physical therapist. Adequate supervision requires, at a minimum, that a supervising physical therapist perform the following activities:

1. Establish effective channels of written and oral communication;
2. Interpret and communicate critical information about the patient to the supportive personnel;
3. Perform an initial evaluation of the patient;
4. Develop a plan of care, including short and long-term goals;
5. Delegate appropriate tasks to supportive personnel;
6. Assess the supportive personnel's competence to perform assigned tasks;
7. Provide supervision in accordance with the law, the patient's condition, and the specific situation;
8. Identify and document precautions, special programs, contraindications, goals, anticipated progress, and plans for re-evaluation;
9. Re-evaluate the patient, modify the plan of care when necessary, perform the final evaluation, and establish a follow-up plan.

(h) Physical therapists are obligated to advise their employer(s) of any practice which causes a physical therapist to be in conflict with the ethical principles of this section. Physical therapists are to attempt to rectify any aspect(s) of their employment which is in conflict with the principles of this section.

(4) Seek remuneration for their services that is deserved and reasonable.

(a) Fees for physical therapy services should be reasonable for the service performed, considering the setting in which it is provided, practice costs in the geographic area, judgment of other organizations, and other relevant factors.

(b) Physical therapists shall not:

1. directly or indirectly request, receive, or participate in the dividing, transferring, assigning, or rebating of an unearned fee;
2. profit by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity in connection with furnishing of physical therapy services;
3. use influence upon individuals, or families of individuals under their care for utilization of any product or service based upon the direct or indirect financial interest of the physical therapist.

(5) Provide accurate information to the consumer about the profession and the services provided.

(a) Physical therapists are not to use, or participate in the use of, any form of communication containing false, plagiarized, fraudulent, misleading, deceptive, or unfair statements.

(6) Accept the responsibility to protect the public and the profession from unethical, incompetent, or illegal acts.

(a) Physical therapists shall report any activity which appears to be unethical, incompetent, or illegal to the proper authorities.

(b) Physical therapists shall not participate in any arrangement in which patients are exploited due to the referring sources enhancing their personal incomes as a result of referring, prescribing, or recommending physical therapy or a specific physical therapy practice.

(c) If a physical therapist is involved in an arrangement with a referring source in which income is derived from the services, the physical therapist has an obligation to disclose to the patient, within the scope of the state law, the nature of the income.

Authority O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-33-3, 43-33-10, 43-33-13.1 and 43-33-18.

**NOTICE OF INTENT TO AMEND A RULE OF THE
GEORGIA STATE BOARD OF PHYSICAL THERAPY CHAPTER
490-4, RULE 490-4-.01,.RENEWAL OF LICENSE AND PENALTIES. AMENDED., AND
NOTICE OF PUBLIC HEARING.**

TO ALL INTERESTED PERSONS AND PARTIES

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Physical Therapy (hereinafter "Board") proposes to amend Rule 490-4-.01 Renewal of License and Penalties. Amended.

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia State Board of Physical Therapy Web page at <http://www.sos.state.ga.us/plb/pt>. Copies may also be requested by contacting the Georgia State Board of Physical Therapy office at 478-207-1686.

A public hearing is scheduled to be held at 9:00 a.m. on March 15, 2005 in the Office of the Secretary of State, Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendments. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing.

Written comments are welcomed. To ensure their consideration, written comments must be received on or before March 8, 2005. Written comments should be addressed to Mollie L. Fleeman, Division Director, Professional Licensing Boards Division, Georgia State Board of Physical Therapy, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478-207-1699.

The proposed rule amendments will be considered for adoption by the Georgia State Board of Physical Therapy at its meeting scheduled to begin at 9:05 a.m. on March 15, 2005 in the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The proposed rule amendments are proposed for adoption pursuant to authority contained in The Georgia State Board Of Physical Therapy Act O.C.G.A. §§ _____

At its meetings on January 18, 2005 the Georgia State Board of Physical Therapy voted that the formulation and adoption of these rules do not impose regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ _____

Additionally, at these meetings the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ _____ to adopt or implement differing actions for businesses as listed at O.C.G.A. §50-13-4(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of Physical Therapy.

For further information, contact the Board office at 478-207-1686.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This ____ day of _____, 2005

Mollie L. Fleeman
Division Director

Posted: _____

**SYNOPSIS OF PROPOSED REVISIONS TO THE GEORGIA STATE BOARD OF
PHYSICAL THERAPY RULE FOR
490-4-.01, RENEWAL OF LICENSE AND PENALTIES. AMENDED.**

Purpose: The purpose of the proposed rule amendment is to provide for a late renewal period.

Main Feature: The main feature of the proposed rule amendment provides for a late renewal period.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED AMENDMENT TO THE GEORGIA STATE BOARD OF PHYSICAL THERAPY
RULE 490-4-.01, RENEWAL OF LICENSE AND PENALTIES. AMENDED.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

490-4-.01 Renewal of License and Penalties. Amended.

(1) Every licensed physical therapist and physical therapist assistant shall biennially apply to the Board for renewal of his/her license, ~~submit proof of continuing competency requirements~~ and pay a renewal fee by ~~October~~ December 31st of odd years. ~~Refer to fee schedule and 490-4-.02.~~

(2) ~~A license that is not renewed on or before October 31st shall be assessed a late fee. Refer to fee schedule for penalty fee.~~ A license that is not renewed by December 31st of odd years is an expired license and is no longer valid. A physical therapist or physical therapist assistant who holds an expired license cannot practice until said license is renewed or reinstated. Any practice on an expired license will result in disciplinary action by the board.

(3) ~~A license that is not renewed on or before December 31st of the renewal year shall lapse and be of no force and effect and shall by operation of the law be revoked.~~ Every licensed physical therapist and physical therapist assistant who does not renew his/her license by December 31st of the renewal year shall be allowed a two (2) month late renewal period. A license may be renewed after the December 31st deadline with submission of the renewal application and the late penalty fee. Said late renewal deadline is February 28th of the even year.

(34) ~~A license that is not renewed on or before December 31st of the renewal year shall lapse and be of no force and effect and shall by operation of the law be revoked.~~ A license that is not renewed on or before February 28th of the even year following the renewal period of the renewal year shall lapse and be of no force and effect and shall by operation of the law be lapsed.

(45) A physical therapist or physical therapist assistant who has been previously licensed in this State who has allowed his/her license to become revoked due to failure to renew, shall be required to submit an application for reinstatement, pay appropriate fee (refer to fee schedule), and shall also be required to meet requirements as provided below:

(a) An applicant who is able to document that he/she has practiced as a physical therapist or physical therapist assistant within 2 years shall be required to submit proof of continuing competence requirements as established by the Board;

(b) An applicant, who is unable to document that he/she has practiced as a physical therapist or physical therapist assistant within 2 years but able to document such practice within 5 years, shall be required to submit proof of continuing competence (Refer to 490-4-.02), and shall be required to work under the supervision of a physical therapist licensed in this state for 1,000 hours of continuous supervised practice to be completed in no more than 1 year and no less than 4 months with specific stipulations as deemed necessary by the Board; or

(c) An applicant who is unable to document that he/she has practiced as a physical

therapist or physical therapist assistant within 5 years shall be required to work under the supervision of a physical therapist licensed in this state for 1,000 hours of continuous supervised practice to be completed in no more than 1 year and no less than 4 months with specific stipulations as deemed necessary by the Board and shall be required to take and pass the next licensing examination. Any applicant exempted from the requirement of taking the examination pursuant to Rule 490-4-.01(6) shall be required to submit proof of continuing competence unless such person holds a current license in good standing in another state or such person is currently employed as a physical therapist or physical therapist assistant by the United States Government if such person provides physical therapy services under the direction or control of the employing organization.

(56) Applicants subject to Rule 490-4-.01(4)(a) may in the discretion of the Board be exempted from continuing competence requirements if such person holds a current license in good standing in another state or if such person is currently employed as a physical therapist or physical therapist assistant by the United States Government if such person provides physical therapy services under the direction or control of the employing organization.

Authority O.C.G.A. Secs. _____